

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

DOMINIQUE N. THOMAS (231464)
Assistant United States Attorney
1301 Clay Street, Suite 340S
Oakland, CA 94612
Telephone: (510) 637-3680
Fax: (510) 637-3724
E-Mail: dominique.thomas@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DARIUS CHAPPILL,)
)
Defendant.)

No. CR 09-00875 DLJ

STIPULATED REQUEST TO CONTINUE
HEARING DATE TO OCTOBER 2, 2009
AND TO EXCLUDE TIME UNDER THE
SPEEDY TRIAL ACT AND ORDER

Hearing Date: September 25, 2009
Time: 9:00 a.m.

The above-captioned matter is set on September 25, 2009 before this Court for a status hearing. The parties jointly request that this Court continue the matter to October 2, 2009 at 9:00 a.m. and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between the date of this stipulation and October 2, 2009.

On August 27, 2009, Mr. Chappill was charged in a two-count indictment with interference with an airline flight crew, in violation of 49 U.S.C. § 46504, and assault, in violation of 18 U.S.C. § 113 and 49 U.S.C. § 46506. Mr. Chappill has not yet made his first appearance before the District Court.

The current status of the case is that the parties are negotiating this matter. In the meantime,

1 the government has produced discovery, but there is a pending defense motion to seal medical
2 and psychiatric records. In the event that the motion is denied, the government will need to
3 review that evidence. In short, the parties are still reviewing and processing the information
4 provided and completing their investigation of the case.

5 The requested continuance will allow the parties to complete their review of the discovery, to
6 investigate the underlying facts of the case, and to obtain and review additional records. For this
7 reason, the parties agree that the failure to grant this continuance would unreasonably deny
8 counsel the parties the reasonable time necessary for effective preparation, taking into account
9 the exercise of due diligence. The parties further stipulate and agree that the ends of justice
10 served by this continuance outweigh the best interest of the public and the defendant in a speedy
11 trial. Accordingly, the parties agree that the period of time from the date of this Stipulation to
12 October 20, 2009, should be excluded in accordance with the provisions of the Speedy Trial Act,
13 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) for effective preparation of counsel.

14
15 DATED: September 22, 2009

/S/
DOMINIQUE N. THOMAS
Assistant United States Attorney

16
17 DATED: September 22, 2009

/S/
COLLEEN MARTIN
Assistant Federal Public Defender

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given the parties' need to complete their review of the discovery, to investigate the underlying facts of the case, to obtain and review additional records and to calculate defendant's Sentencing Guidelines range;

2. Given that these tasks are necessary to the preparation of the case and that the failure to grant the requested continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account due diligence;

3. Given that the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial;

Based on these findings, IT IS HEREBY ORDERED that the STATUS date of September 25, 2009, scheduled at 9:00 a.m., before the Honorable D. Lowell Jensen, is vacated and reset for October 2, 2009, at 9:00 a.m. It is FURTHER ORDERED that time is excluded pursuant to the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), from the date of this Stipulation to October 2, 2009.

DATED: September 23, 2009


HON. D. LOWELL JENSEN
United States District Judge